

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

APRIL D'AMICO,

Plaintiff,

-vs-

ORDER of REMAND
10CV6108

CORRECTIONAL MEDICAL CARE, INC. and
EMRE UMAR,

Defendants.

The Plaintiff having moved this court for an Order remanding the instant matter to the New York State Supreme Court for the County of Monroe pursuant to 28 U.S.C. Section 1447(c); and, the matter having come on to be heard with Christopher J. Enos, Esq., appearing for the Plaintiff; and Bond, Schoeneck & King PLLC (Brian Laudadio, Esq., of counsel) and Elliott Greenleaf & Siedzikowski, PC (Timothy T. Myers, Esq., of counsel) appearing for Defendants; and upon the stipulation of the parties as provided orally on the record and reflected in the transcript attached hereto as Exhibit "A", which stipulation is summarized as follows: First, the Plaintiff agrees that she does not assert any federal claims in this lawsuit; Second, the Plaintiff's damages, including for all claims and compensatory damages, lost wages and salary, general damages due to severe emotional and mental distress, anxiety, anguish, humiliation, embarrassment, fright, shock, pain and discomfort, punitive damages and attorney's fees are less than or equal to \$75,000; and, Third, that Plaintiff will not seek more than that amount against defendants in this lawsuit arising out of the facts as set forth in the Complaint including any subsequent amendment of the Complaint; and, it appearing to the satisfaction of the Court that by reason thereof Remand is proper, and due deliberation having been had thereon; it is hereby

ORDERED, that the instant action be and the same hereby is REMANDED, to the New York State Supreme Court for the County of Monroe. The Clerk of the Court is directed to close this action.

Dated: Rochester, New York
March 18, 2011.

Enter.



Hon. CHARLES J. SIRAGUSA, U.S.D.C.